

2018
S P E E C H

OF

HON. A. HARDING, OF KY.,

ON

THE PRESIDENT'S TWO PROCLAMATIONS

AND

THE TWO REBELLIONS.

DELIVERED IN THE HOUSE OF REPRESENTATIVES, IN CONGRESS,
ON THE 21st OF JANUARY, 1863.

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S P E E C H.

Mr. HARDING said :

Mr. CHAIRMAN, it is my purpose, during the hour allowed me, to say something in regard to the President's two proclamations, and something in regard to the two rebellions. More than twelve months ago, the ruinous policy of the radical party was openly avowed in this Hall. It was then predicted by the true friends of the country here, and by loyal and conservative men everywhere, that the inevitable and certain result of that mad policy would be to unite the South and divide the North; to paralyze the efforts of loyal men, strengthen and invigorate the arm of the rebellion, and so leave but little hope of the restoration of the Union. The fulfillment of that prediction has now become history; it has been verified to the letter. The former votes and solemn pledges given by these radical men were disregarded and openly violated, the warning voice of aged and tried patriots was scoffed at, and the Constitution rudely trampled under foot. They had the numerical strength; and, reckless of all consequences, carried out their policy so far as congressional legislation could effect it. Having gained this victory over the Constitution they pause but for a moment; the supposed conservatism of the President is the next object of their attack. He must be pressed into their service. True, he had sworn "to preserve, protect, and defend the Constitution." True, he had pledged himself before the whole country against their policy—had denied that he had any lawful power to interfere with slavery in the States. But why should they falter on that account? They, too, had taken the same oath, and given the same pledge. And why should he have any more conscience than they? Nothing daunted, therefore, they marshal and mass their hosts, and make a bold and continued *pressure* upon him. For a time he seemed to struggle against them. He met and repulsed "the Chicago saints" by manly argument. But on the 22d day of September he struggled no longer. The tide rose too high, and became too strong for him, and in western phrase, "*he washed over the dam.*"

On that memorable day, the 22d of September, 1862, the eman-

cipation proclamation was issued. That was the crowning act of the radical war upon the Constitution and the Union. That proclamation declares that—

“On the first day of January, 1863, all persons held as slaves within *any State, or any designated part of a State*, the people whereof shall then be in rebellion against the United States, shall then be thenceforward and forever free, and the executive Government of the United States, including the military and naval authority thereof, will *recognize and maintain* the freedom of such persons, and will do no act or acts to repress such persons or any of them *in any efforts* they may make for their actual freedom.”

Sir, the bold and revolutionary doctrine here avowed is alarming in the highest degree. Between this proclamation and the Constitution, there is an irreconcilable and warring antagonism. It is utterly impossible for both to stand. The Constitution recognizes the institution of slavery in the States, and so guards and protects it that no power on earth can strike it down except the power of the State where it exists. At the time the Constitution was adopted and the Union formed, slavery existed, and had long been an established institution in most of the States. It was, in fact the *rule*, and the free labor system the *exception*.

The Constitution expressly provides for any additional supply of slaves that might be desired in any State, for twenty years after its date, by ordaining that the—

“Importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808.”

Slavery was also made the basis, in part, of representation in the States where it existed. The Constitution provides that, in the enumeration to be made of the inhabitants, in order to the apportionment of Representatives in Congress from the several States, the enumeration shall be made “by adding to the whole number of free persons,” excluding Indians, “three-fifths of all other persons,” or three-fifths of all the slaves.

But lest in process of time some conflict should arise between the slave and free States, rendering the institution of slavery to some extent insecure, and to guard against all such contingencies, and extend to it full and ample protection, the Constitution declares that—

“No person held to service or labor in one State under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.”

This would seem to have been enough—all that could be desired to secure to the States where it existed the absolute and exclusive control of slavery. It was clear that *no power* over the institution was delegated or granted to the General Government; and now the door is forever closed against all interference from the free States. The fugitive slave *shall* be delivered to his master.

But as if to silence all controversy, and put the question at rest forever, the Constitution, in another clause, declares that—

“The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

It is therefore clear, beyond all doubt or question, that by the Constitution the institution of slavery is placed under the supreme, absolute, and exclusive control of the State where it exists. It is difficult to see how it could have been more securely and cautiously hedged and guarded against all encroachment from free State and Federal power. The Constitution may be searched in vain to find any greater security and protection thrown around the landed estate or any other species of property held by the people of a State. If the President has power to deprive whole districts and communities of their entire property in slaves, it follows of *necessity* that he can, by the *same* power, take from them their lands and every other species of property. And if he can do *this* in *one* State, he can do the *same* in *any* or *all* the States of the Union. The question of the President's *power* is in no way affected by the fact that large numbers of persons in each of the southern States are in rebellion against the rightful authority of the Federal Government. The States themselves are still members of the Union, as much so, in a legal and constitutional sense, as they ever were. Their ordinances of secession were all null and void, and being so, did not and could not effect any change in their constitutional relations to the Federal Government. It is upon this principle that all persons in those States who are forcibly resisting the authority of the Federal Government are considered in rebellion, and therefore war can be justifiably prosecuted for the purpose of bringing them back to their allegiance.

But if the ordinances of secession are not void—if, in a legal and constitutional sense, the southern States are out of the Union and separated from it, then the citizens of such States owe no allegiance to the Federal Government. They are not rebels, and could not be in rebellion against the Federal Government, because it would have no constitutional authority over them. And in that case the President could have no more authority to issue a proclamation against those States than he would have against the States of Mexico; this proclamation would then indeed be “*like the Pope's bull against the comet*.” But the President himself holds that the Union, in a legal and constitutional sense, is as perfect now as it ever was. After several of the States had passed secession ordinances, he declared in his inaugural address that *all such ordinances were void, and the Union unbroken*. These southern States, then, are still in the Union, and all their domestic institutions, laws, and constitutions as sacredly guarded as they ever were. The Constitution of the United States knows no difference

between the States, but extends its protection equally to every member of the Union. If the power assumed in the proclamation can be justified by any argument or any reason, when applied to a southern State, it can, by the *same argument* and for the *same reason*, be justified when applied to a northern State. If the President can strike down and abolish the institution of slavery in a southern State, he can set up, ordain, and establish it in a northern State. The *power* is the same. But the truth is, the proclamation admits of no justification or defence. It is a daring, open, and flagrant violation of the Constitution, the President himself being judge. In his inaugural address, under the sanctions of the oath he had just taken "*to preserve, protect, and defend the Constitution*," the rebellion staring him in the face, six of the States having passed ordinances of secession, he declared :

"I have no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exists. I believe I have no lawful right to do so, and I have no inclination to do so."

Sir, the claim set up in the proclamation is nothing less than a bold and daring assumption of absolute and despotic power. The Constitution declares that—

"*The United States shall guaranty to every State in this Union a republican form of Government.*"

But the proclamation assumes absolute control over property, strikes down State laws and State constitutions, and wrests from the people the sacred right of self-government. The issue presented is no less than the fearful one of whether the people of this country shall be governed by their own written laws and constitutions, or by the arbitrary will of one man? And let not the people of the great western and northern States vainly imagine themselves safe. Their domestic institutions, State laws, and State constitutions, under the dark shadow of this proclamation, may likewise perish and pass away. No State can be safe with such a power suspended over it. It is strange the President should preface the alarming portion of his proclamation with the declaration—

"*That hereafter, as heretofore, the war will be prosecuted for the object of practically restoring the constitutional relations between the United States and the people thereof, in which States that relation is or may be suspended or disturbed.*"

Sir, that declaration can deceive no one save its author, and it is hard to see how even he could be misled by it. How is it possible to restore the disturbed relations of the States to harmony in the Union formed by the Constitution, by abolishing their domestic institutions, abrogating their State laws and State constitutions, and thus subverting and destroying these very relations? If the doctrines of the proclamation are carried out, it is utterly impossible that the Union ever can be restored. The *only Union*

known to the Constitution is a Union of coequal States, each having its own constitution and laws, and the sovereign and exclusive control of all its institutions and domestic concerns. But the Union shadowed forth in the proclamation is a Union forced by the sword, composed of people stripped of the right of self-government; their domestic institutions, laws, and constitutions all swallowed up and lost in a frightful despotism. Sir, the proclamation, coming as it does from the Chief Magistrate of this nation, is the strongest disunion document ever issued in this country. No secession ordinance ever aimed a more fatal blow at the Constitution and the Union. Bold, daring, and desperately reckless must be the man who can hold up and sustain this proclamation, when he sees it opens at his very feet the yawning gulf of national dissolution and ruin.

But, sir, the *means* to be employed are, if possible, more detestable than the end to be gained by the proclamation. The power of the Army and Navy is pledged to maintain the freedom of the slaves. Nay, sir, the slaves are told that the Army and Navy will not only maintain their freedom, but "*will do no act or acts to repress them, or any of them, in any efforts they may make for their actual freedom.*" Sir, the painful fact cannot be disguised, though humanity may blush to own it, that here is a direct invitation, or at least the strongest possible incitement held out to the slaves to rush wildly and madly into all the bloody horrors of servile insurrection. *Liberty* is held out to them as the price of the blood they may shed. And the Army is to sanction and encourage all this. Yes, sir, though the midnight hour may be lighted up with the red glare of burning dwellings—though the cries and shrieks of murdered and dying women and children may rend the air—still the Army is to stand by and see all this, but "*do no act to repress,*" restrain, or check the savage riot in blood. That noble army of patriots, brought together under the pledge solemnly given and recorded in this House, that they were to be employed only "to defend and maintain the supremacy of the Constitution and to preserve the Union with all the dignity, equality, and rights of the several States unimpaired," are "hereafter," not as "heretofore," to be employed in a war to maintain the freedom of millions of slaves. They are to be *betrayed* into a war against the supremacy of the Constitution—a war to overthrow State rights and State constitutions, and destroy the Union.

Mr. Chairman, the Constitution guards the property of the citizen in the same way that it guards his liberty or his life. The language of the Constitution is that no person "*shall be deprived of life, liberty, or property without due process of law.*" But, sir, when an absolute and despotic power is assumed over all the slave property of whole States and communities, without any regard to the guilt or innocence, loyalty or disloyalty of the owner—sweep-

ing away, in thousands of instances, from loyal citizens, from aged men and women, and from helpless infants, all the property they have, and reducing them to beggary and want; and when all this is done without *any process of law* at all, the citizen would naturally conclude, however loyal and upright he might be, that his own personal liberty was no longer safe. And, sir, he could have remained in doubt or suspense on that question *only two days*; for the most abundant and conclusive evidence of the correctness of such a conclusion was furnished by the President, in his second proclamation, on the 24th day of September, 1862. This proclamation is aimed against the liberty of the citizen. It proclaims martial law everywhere throughout the United States. It declares; *first*, that *all persons* discouraging volunteer enlistments, resisting militia drafts, or *guilty of any disloyal practice*, "*shall be subject to martial law, and liable to trial and punishment by court-martial or military commission.*" And, *second*—

"That the writ of *habeas corpus* is suspended in respect to all persons arrested, or who are now, or hereafter, during the rebellion, shall be imprisoned in any fort, camp, arsenal, military prison, or other place of confinement, by *any* military authority, or by the sentence of any court-martial or military commission."

Now, what are the safeguards provided by the Constitution to protect the liberty of the citizen? They are such as these: *That the right of the people to be secure in their persons against unreasonable seizures shall not be violated; that not even a warrant for the arrest of a person shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the person to be seized; that (except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger) no person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury; that in all criminal prosecutions the accused shall be informed of the nature and cause of the accusation against him, and enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed; and that no person shall be deprived of liberty without due process of law.*

These important provisions of the Constitution are all openly violated and set aside by this proclamation. How does the liberty of the citizen stand under this proclamation? He is liable to be arrested wherever he may be or reside in the United States without *any* warrant or civil process, and by *any* military authority, for *any* disloyal practice; the military authority being sole judge of what amounts to a *disloyal practice*. And when arrested, he is liable, without knowing "*the nature and cause of the accusation against him*," to be dragged like a felon, away from his home and State, and incarcerated in some distant fort or military prison,

there to remain during the pleasure of his captor. It is in vain for him to look to the courts of justice; they are all closed against him. The judicial arm is paralyzed and can give him no relief; the writ of *habeas corpus*, once the very gate of liberty, standing open to the oppressed night and day, is now *suspended* and cannot reach his case. His prison doors are barred and bolted, and, however innocent he may be, there he must lie, dragging out weary days and sleepless nights in miserable confinement. And if ever tried at all, he is to have no trial by jury, but to be mocked with a trial "by court-martial or military commission." None but the wilfully blind can fail to see that this is an open violation of the Constitution, and a daring usurpation of despotic power; it is the fiery, bitter, and burning dregs of the cup of despotism.

Sir, it is notorious to the whole country that, under this arbitrary power of arrest and imprisonment, numerous citizens of the loyal States have been dragged from their homes and confined in forts and prisons for weeks and months, until some have been driven to insanity and suicide; some are still there; while some have been turned out without trial, and without any accusation of any kind appearing against them. And a *Congress* has been found ready to sanction and legalize all these abuses, indemnify all concerned, and wrest from the citizen all civil remedy and right of action against his oppressors; nay, sir, a *Congress* who will not permit *even* a resolution of inquiry into these abuses; who seem *purposely* to close up and darken all the doors and blinds, lest the people should look into these prisons and see the enormities there practiced. Sir, it seems to me the man who is prepared to sanction, support, and sustain the fearful and revolutionary doctrines of the two proclamations, is ready to yield up his liberty and confess himself a slave.

Mr. Chairman, the true friends of the Government are alarmed. They have labored incessantly and faithfully to bring back the President and his Cabinet to that rational and conservative policy from which they have so fearfully departed. The people at the polls, by overwhelming majorities, have rebuked and condemned their course, and demanded reform. They *know* they are misrepresenting the people, whose servants they are. They treat the voice of the people with contempt, and persistently press on in their wild and revolutionary career. Sir, in view of this contempt of the public will, this daring insolence, had I the power, I would this day, from the great States of Illinois, Indiana, Ohio, Pennsylvania, New Jersey, and New York, collect together the conservative voices of the thousands and tens of thousands and hundreds of thousands, and pour that united voice upon the White House, in one volume of prolonged and deep-toned thunder, until these rulers should be driven from their suicidal policy, or made to turn pale and tremble in their seats of power.

Mr. Chairman, we hear nothing from the radicals of *constitutional* necessity; nothing of a *high moral* necessity to observe the oaths taken to support the Constitution and to redeem the solemn pledges made to the country.

Where, we ask, is the constitutional power to abolish State institutions; abrogate State constitutions and laws? They answer, "*military necessity.*" Whence the power to throw thousands of liberated slaves upon the bosom of Illinois, in utter violation of her constitution and laws, which declare that no free negro shall come upon her soil? "*Military necessity.*" *No money shall be drawn from the Treasury but in consequence of appropriations made by law*—Whence, then, the power, without law, to expend millions of the public money for the support of thousands of idle and worthless negroes, called contrabands? "*Military necessity.*" Under what authority is martial law proclaimed in loyal States, where the courts are open and the civil authority wholly unobstructed, and citizens arbitrarily seized and carried from such States, and shut up in distant forts and prisons, without *any process* of law whatever? "*Military necessity.*" Yes, sir; military necessity, that is the *stereotyped* answer, coming from the President and most of his supporters, in defence of these high-handed and tyrannical measures. The power depends upon the existence of the necessity; it must arise out of the necessity. But then the President *himself* is sole judge of the necessity out of which arises *the power*, which is also to be claimed and exercised *by himself*. In other words, the President is to determine to what extent it will be *proper* and decent for him, from time to time, to claim and exercise arbitrary and despotic power over the people of this country. And this is "*military necessity,*" a phrase unknown to the Constitution, and to be found only in the vocabulary of the most detestable tyrants.

Mr. Chairman, I would desire to speak of the President with all proper and becoming respect, on account of the high office he fills. But the progress of events has become alarming to the highest degree; and I hold it to be the duty of the Representatives of the people, placed here as sentinels to guard their liberty, to speak out, call things by their proper names, and warn the people of their danger; and I say here in my place, that any man in any department of this Government who, clothed in a little brief authority, shall dare to play the tyrant in the face of the American people under the shallow, miserable, and detestable subterfuge of "*military necessity,*" deserves to be called tyrant; he has earned the title, and ought to wear it. Sir, there is a necessity—a most pressing, moral, and political necessity—that all radicals and revolutionists, in Congress and elsewhere, who disregard the Constitution and misrepresent the people, should be scourged and driven into retirement with the scorpion.

lash of public indignation, and their places filled with men who will be true to the Constitution, and devote all their energies to save the Government from ruin.

Mr. Chairman, we saw here, but a few days since, with what facility *legislators*, as well as executives, could draw on this prolific and inexhaustible source of power called "military necessity," for supplies in any emergency. The bill to form a new State out of the western part of Virginia was before the House, when a prominent leader of the radicals, the gentleman from Pennsylvania, [Mr. STEVENS,] referring to that clause of the Constitution which declares that "no new State shall be formed within the jurisdiction of," or out of part of, an old State, without the consent of the Legislature of the old State, and no such consent having been given by the Legislature of Virginia, said :

"I will not *stultify myself* by supposing that we have *any* warrant in the Constitution for this proceeding."

And yet I am not sure but the gentleman *did* at last *stultify* himself by declaring his readiness to vote, and by actually voting, for the bill, as he said, "*under the war power*;" that is, a power to make war upon the Constitution by doing an act expressly forbidden by it. One difficulty was forgotten. The gentleman was not "*sworn in*" under the war power, but *had* taken an oath to support the Constitution. Perhaps no gentleman could escape from such a dilemma without stultification. At any rate, it seems clear that either the *man* or the *oath* was stultified.

Thus it is, Mr. Chairman, that we are drifting on and on, nearer and nearer to that fearful whirlpool, where this Government of constitutional liberty, purchased with the blood of our fathers, and where the brightest hopes of patriots may all be swallowed up and lost forever. And all this is being done under the insane leadership of abolitionism, in defiance of the public will. The abolition creed is short, but full of horror and blood. They say, "*Slavery is the cause of the rebellion, therefore crush out and destroy slavery—remove the cause and the effect will cease.*" The remainder of the creed consists in *striking down constitutions and laws, overthrowing State governments, and doing anything and everything they may choose to do, under the claim of "military necessity."* Sir, there is no truth in the flippant rant "that slavery is the cause of the rebellion and war." Abolitionism in the North, and secession in the South, were the joint causes, operating together, which produced the rebellion and war. If there had been no secessionists in the South there would have been no rebellion, no war; and if there had been no abolitionists in the North there would have been no war. Neither, operating alone, had the power to bring it about. It is true, that a number of leading restless traitors in the South had long been plotting

the destruction of the Union. But the great mass of the people in all the southern States were deeply and truly devoted to the Government, and neither hoped for nor desired any better. But these leading traitors held up constantly before the masses the publications, sermons, speeches, and all the threats, rant, and raving of northern abolitionists, until they were made to believe they were about to be visited with the horrors of an abolition war; and under that apprehension they followed their leaders into rebellion. The secessionists furnished the fire, and the abolitionists the fuel, and thus operating together, kindled up that fearful conflagration which is now carrying desolation and ruin through the land in its wild and spreading flame.

Sir, while I do not say that abolitionism was the sole cause of the war, yet I do say that, without its aid, this rebellion and war never could have arisen; and if abolitionism were this day crushed out and wholly destroyed, the southern revolution would soon burn out of itself, and cease for want of fuel. And these northern fanatics, in the policy they adopt and force upon us—if any of them sincerely desire to subdue the rebellion and save the Government (and it *may be possible* that some do)—resemble the maniac who is laboring and toiling to put out fire by constantly throwing on dry fuel, and still the fire burns with a fiercer flame; he throws on more, and looks and wonders why he cannot smother and put it out. Sir, it is in this way that these miserable extremists have gone hand in hand in producing, sustaining, and nourishing the rebellion. While the fire-eaters have come out boldly and opened their batteries on the Union, the abolitionists have operated in disguise, a miserable set of miners and sappers, mining and trenching around the temple of liberty; burrowing in the ground, and seeking to overthrow and destroy the Constitution.

Mr. Chairman, abolitionism has been an element of discord wherever it has appeared, whether in Church or State. Its whole history has been “evil and only evil, and that continually.” It moves and breathes in agitation, and lives on the gall and bitterness of strife. Its Unionism would strike down States, and blot out stars from the national flag; its philanthropy a brutal thirst for blood; and its loyalty treason against the Constitution.

Sir, the people are alarmed at the fearful fact, now fully disclosed, of two rebellions, one at the North and one at the South, leagued together and unitedly warring against the Government and liberty of the people. No wonder this country is smitten with desolation and waste; no wonder the land is bathed in kindred blood, and dotted all over with hundreds of thousands of newly made graves; no wonder the wail of sorrow is rising and showers of burning tears falling from millions of bereaved widows and stricken orphans. One serpent and one rebellion were sufficient to curse and blight the garden of Eden. But our political Eden

has been visited by two serpents, producing two rebellions, one a fearful, fiery serpent at the South, the other a black and venomous serpent at the North, full of the deadly virus of treason. And, in the bloody progress of these rebellions, abolitionism has thrown off the mask, and stands out openly revealed, the very demon of carnage, with grim visage, gory locks, hands reeking with blood, and eyes red with the fires of perdition. There the monster stands, raving and crying aloud, in hoarse sepulchral tones—"extermination! exterminate the South!"

Mr. Chairman, there is no essential difference between the leading fire-eaters and abolitionists, except that arising from locality. Both are forever engaged in agitation and strife—warring, restless spirits, who would be satisfied nowhere, and with no Government under heaven, and certainly with none in heaven. Remove an abolitionist to the South, warm him up with a few days of southern sun, and he comes out a genuine fire-eater; and so the benefit of a northern climate, with a little ice water, will speedily bring a fire-eater into the foremost ranks of radical abolitionists. They are essentially kindred spirits, though sometimes seeming to differ. The leading fire-eaters at the South are full of fury and fight; while the leading political abolitionists, bitten by the northern serpent, are seized with monomania, or more properly negrophobia, a disease having some analogy to hydrophobia. It is said the sufferer from hydrophobia has an instinctive dread of water, and can never pass over a stream without convulsions and sometimes death; and so these political subjects of negrophobia have an indescribable dread of ELECTION DAYS, and can never pass through one safely. Hence, on the memorable 14th of October last, these men in Pennsylvania, and particularly in Ohio and Indiana, at about the hour of twelve o'clock, were suddenly seized with fearful trembling spasms, and convulsions, and a little after the polls were closed their dead bodies were seen at all the corners of the streets. And the same result occurred again on the 4th of November in Illinois, in New Jersey, and in New York. Theirs was a most distressing and melancholy fate, leaving nothing to console their surviving friends, except that their loss was the country's gain.

Mr. Chairman, abolitionism has now temporary control of the Government; it shapes its own policy, has everything its own way, and is fast working out its own destruction in the eyes of all thinking men. It is doomed, and will certainly fall beyond the reach of any political resurrection. The danger is it may drag down the Government with it. But if this Government shall escape shipwreck and ruin, the people will learn one salutary lesson, dearly bought and not easily forgotten, and that is, never to trust their Government and liberty in the hands of a fanatical and sectional party again. Sir, I have ever felt for our form of Government

the deepest devotion. As the mother would bend over the couch of her dying child, and hope for restoration while there was life and breath, so would I hope for and cling to this Government. And yet I declare I have no hope, none whatever, from the present radical policy; it never can save the Government and restore the Union; to my mind that is just as certain as if all were now swallowed up and lost in anarchy and blood.

And yet I do not despair of the Government; I am glad to believe there is still solid ground for hope. I believe the Democratic hosts, in the North and Northwest, have the power to crush and subdue the rebellion North and South, and save the Government from ruin; and, though always an old Whig, I am ready, and my constituents are ready, to unite heart and hand with the Democratic party in battling for the Union against abolitionists and secessionists, now and forever. I raise no objection to the name of that party. Democracy is an old and honored name, and no man need blush to assume it. Their platform, "*the Constitution as it is and the Union as it was*," has the ring of the pure metal. It is a *close and searching test* of loyalty, as I have more than once witnessed on this floor. Men who attempt to ridicule it never fail to betray their own infidelity to the Constitution. It is not possible for men who are opposed to that platform to be truly loyal. We have no Constitution but the Constitution as it is, and if you are not for *that*, then you are, in feeling and sentiment, in rebellion against it. We have no Union, never had nor can have, under that Constitution, but the Union as it was formed by it; and if you are not for *that*, you are against the Union, and, of *necessity*, disunionists. Hence the war upon slavery, when stripped of all disguise, is nothing but a war upon the Union and against the Constitution, *because* it protects slavery, and *there* and in *that* is found the heart and core of the abolition rebellion; and it is nothing but a rebellion against the Government. Sir, what did we hear from a prominent leader of the radicals, the gentleman from Pennsylvania, [Mr. STEVENS,] but a few days since, on this floor? He declared—

"*This Union shall never, with my consent, be restored under the Constitution as it is, with slavery to be protected by it.*"

That is plain enough, it speaks for itself; and, sir, if that is loyalty, then give me treason. That gentleman also said he had heard this talk of restoring the Union as it was, under the Constitution as it is, until he had "*become about sick of it.*" Yes, sir, and no doubt there are others who feel the same way. Jefferson Davis once professed devotion to the Union, took many oaths to support the Constitution; but *now*, when he thinks of the restoration of the Union as it was, under the Constitution as it is, he

is a *little* sick, *slightly* unwell—that would not be a health-giving or life-saving operation to him.

Mr. Chairman, I have often heard it said the real object of the abolitionists was a permanent separation between the slave and free States; and to effect that, their policy is to press one extreme measure after another, keep up a constant war on the border slave States and their representatives, and by that means irritate, goad, and drive them out of the Union. If that is their object, I believe they will utterly fail. We don't intend to be driven by one rebellion into another. And if anybody has to go, we tell the abolitionists now to prepare to start themselves. The world is wide; they can depart in peace to Liberia or Hayti, or wherever they choose. But, sir, this is *our* Government, *our* birthright, purchased for us with the blood of *our* fathers. It was not made for abolitionists and fire-eaters, and we do not intend to surrender it to them. This is no rash or hasty resolution; we have counted the cost.

Sir, we know the fearful perils that press upon our beloved Kentucky from the South and from the North; we know her spotless breast must pass through a baptism of fire and blood; but we think of the vast conservative hosts of the North and Northwest, and take courage. We believe they will stand by us as long as we stand by the Constitution, and will not suffer us to fall and perish in such a struggle.

And though the fiery tide of southern revolution may break upon her on one side, and the cold, icy billows of abolition dash against her on the other, yet will Kentucky, holding high in her hand the Constitution, and gazing with eyes of fire on the Stars and Stripes, ring out the battle-cry over all her hills and valleys —“The Constitution as it is and the Union as it was.”

The Constitution is a living instrument, and it is to be interpreted in accordance with the spirit and intent of its framers. It is not a dead letter, but a living force, which must be adapted to the changing conditions of the country. The framers of the Constitution were men of wisdom and foresight, and they intended that the Constitution should be a permanent and unchangeable basis of government. They intended that it should be a shield against the tyranny of the majority, and a bulwark against the oppression of the minority. They intended that it should be a source of strength and unity to the people, and a guarantee of their rights and liberties. They intended that it should be a model of wisdom and justice to the world.

And though the fiery tide of northern revolution may sweep upon her on one side, and the cold, icy billows of abolitiondash against her on the other, yet will I remain, holding high in her hand the Constitution, and facing with courage and firmness the storm of controversy over all her hills and valleys. The Constitution is the foundation of our government, and it is our duty to preserve it, and to defend it, and to uphold it, and to make it the basis of our future.